

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RUBEN PAZ GOMEZ,

CASE NO. C24-5645-KKE

Petitioner,

ORDER ON MOTIONS IN LIMINE AND TRIAL PROCEDURES

YANISLEIDY REYES GONZALEZ,

Respondent.

The Court has scheduled an evidentiary hearing in this matter to begin on February 10, 2025. Dkt. No. 38. The parties timely filed their motions in limine. Dkt. No. 47. The Court issues this order granting in part and denying in part the motions in limine and instructing the parties of the relevant hearing procedures, including directions to provide certain information to the Court by Friday February 7, 2025 at 12:00 p.m.

I. MOTIONS IN LIMINE

Parties may file motions in limine before or during trial “to exclude anticipated prejudicial evidence before the evidence is actually offered.” *Luce v. United States*, 469 U.S. 38, 40 n.2 (1984). To resolve motions in limine, the Court is generally guided by Federal Rules of Evidence 401 and 403. Specifically, the Court considers whether evidence is relevant, meaning that it “has any tendency to make a fact more or less probable than it would be without the evidence” and that “the fact is of consequence in determining the action.” Fed. R. Evid. 401. The Court may exclude

1 even relevant evidence, however, if “its probative value is substantially outweighed by a danger
2 of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue
3 delay, wasting time, or needlessly presenting cumulative evidence.” Fed. R. Evid. 403.

4 The Court notes that the findings and conclusions in this order, like all rulings in limine,
5 are preliminary and can be revisited at trial based on the facts and evidence as they are actually
6 presented. *See, e.g., Luce*, 469 U.S. at 41 (explaining that a ruling in limine “is subject to change
7 when the case unfolds, particularly if the actual testimony differs from what was contained in
8 the...proffer” and that “even if nothing unexpected happens at trial, the district judge is free, in the
9 exercise of sound judicial discretion, to alter a previous in limine ruling”).

10 **A. The Court Grants the Stipulated Motions in Limine.**

11 The parties agree and the Court orders: all lay witnesses are sequestered and the parties and
12 witnesses are instructed that, upon completion of their testimony, they shall not discuss the
13 testimony with any witnesses who have not yet testified.

14 The parties agree and the Court orders: Respondent shall arrange for Spanish interpreters
15 to be used during the hearing. During any breaks, the Spanish interpreters can only be used by
16 Respondent.

17 **B. The Court Grants in Part and Denies in Part the Disputed Motions in Limine.**

18 1. Respondent’s motion to preclude Petitioner from calling Respondent’s witnesses as
adverse witnesses during his case-in-chief – Denied

19 Under Federal Rule of Evidence 611, the Court orders that Petitioner may call any adverse
20 witness(es) during his case-in-chief. Respondent may complete her direct examination and cross
21 examination of said witness(es) during Petitioner’s case-in-chief or may recall said witness(es)
22 during her case-in-chief. The parties shall work to avoid duplicative testimony.

1 2. Respondent's motion to require parties to provide 48-hours' notice of witnesses to be
2 called – Denied

3 Due to the limited number of witnesses disclosed by both parties and the scheduled
4 duration of the evidentiary hearing, the Court denies Respondent's motion for 48 hours' notice of
5 witnesses to be called. However, at the beginning and end of each hearing day, the parties shall
6 share their expectations of witnesses they intend to call. Further, as described below, the parties
7 shall identify which witnesses will be testifying remotely to the Courtroom Deputy by February 7,
8 2025 at 12:00 p.m.

9 3. Petitioner's motion to exclude Spanish language exhibits without a translation –
10 Granted

11 The parties agree that any exhibits offered by either party shall have a certified English
12 translation. Dkt. No. 47 at 5. While some of the exhibits submitted to the Court do not contain
13 such certified translations, the Court will not exclude these exhibits unless such certifications are
14 absent when they are offered into evidence at the hearing. The parties are instructed to provide
15 certified translations to both the Court and each other as soon as they become available.

16 4. Petitioner's motion to strike exhibit 518 – Denied

17 Respondent agrees not to provide evidence or testimony regarding Cuban law, accordingly
18 the motion is denied.

19 5. Petitioner's motion to exclude testimony by Brittany Padjen¹ and to exclude exhibits
20 520, 521, and 522 – Denied

21 Ms. Padjen's testimony and proposed exhibits are relevant to Respondent's defenses.
22 Beyond summarizing the requirements of Federal Rule 702, Petitioner does not meaningfully
23 argue that Ms. Padjen is unqualified to offer expert testimony regarding A.C.P.R.'s alleged

24

¹ The Court notes Ms. Padjen is not listed in the pretrial order as either an expert witness or a lay witness, and no expert witnesses are identified for either party. Dkt. No. 48. The Court assumes this omission is in error, as Respondent argues that that Ms. Padjen is qualified under Federal Rule of Evidence 702. Respondent shall file an updated witness list by February 7, 2025 at 12:00 p.m.

1 distress. Further, Petitioner may challenge Ms. Padjen's expertise and opinions on cross
2 examination.

3 **II. EVIDENTIARY HEARING PROCEDURES**

4 **A. Schedule**

5 Each day will begin at 9:30 a.m. and end at 4:30 p.m. The Court will take a lunch break
6 from 12:00 p.m. to 1:00 p.m. The Court will also take 15-minute breaks at approximately 10:30
7 a.m. and 2:30 p.m.

8 The Courtroom will open at 9:00 a.m.

9 The Court will keep the parties updated to the extent any other pending cases require the
10 Court to change this schedule.

11 **B. Exhibits**

12 The parties shall provide a word version of the exhibit tables provided in the pretrial order
13 (Dkt. No. 48 at 6–13) by February 7, 2025 at 12:00 p.m. This document shall be sent to the orders
14 inbox (EvansonOrders@wawd.uscourts.gov).

15 **C. Remote Witnesses**

16 The parties have agreed that witnesses may testify remotely. Dkt. No. 40. The parties shall
17 email the Courtroom Deputy (Laurie_Cuaresma@wawd.uscourts.gov) by February 7, 2025 at
18 12:00 p.m., and list which witnesses will be testifying remotely and provide their email addresses
19 and phone numbers. Counsel is responsible for providing the hearing link to witnesses and
20 ensuring witnesses have video and audio capability for their testimony.

21 **D. Witness Rooms**

22 Each party will have a dedicated witness room available to them during the hearing.
23 Counsel will be granted access by the Courtroom Deputy on the first day of the hearing.

E. Other Requests

To the extent any party, witness, or counsel needs any accommodations, requests shall be sent to the Courtroom Deputy (Laurie_Cuaresma@wawd.uscourts.gov) by February 7, 2025, at 12:00 p.m.

III. CONCLUSION

The parties' motions in limine are granted in part and denied in part. Dkt. No. 47.

Parties shall provide the additional information as identified in this order by February 7, 2025, at 12:00 p.m.

Dated this 5th day of February, 2025.

Kimberly K. Eason

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United States District Judge